### BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

#### **MINUTES**

Regular Meeting October 3, 2006

<u>Call to Order.</u> A regular meeting of the Stafford County Board of Supervisors was called to order by Robert C. Gibbons, at 1:05 P. M., Tuesday, October 3, 2006, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: Paul V. Milde III; George H. Schwartz; M. S. "Joe" Brito; Jack R. Cavalier, Vice Chairman; Mark Dudenhefer; Peter J. Fields; and Robert C. Gibbons, Chairman.

Also in attendance were: Steve Crosby, County Administrator; Joseph L. Howard, County Attorney; and Marty Y. Beard, Chief Deputy Clerk.

<u>Presentation by the Public.</u> The following persons spoke on topics as identified:

Russ Moulton - Construction of docks and piers on reservoirs.

Ray Taylor - Abel Lake Reservoir.

Christine Wedding - Bond Referendum.

- Crows Nest.

Spending.

Ruth Carlone - Abel Lake Reservoir; docks and piers.

<u>Report of the Superintendent of Schools.</u> Mr. Andre' Nougaret, Acting Division Superintendent of Schools, gave a presentation and responded to Board members questions.

<u>Legislative</u>; <u>Presentations and Committee Reports by Board Members</u>. Board members spoke on topics as identified:

Mr. Brito - Attended School strategic planning committee

meetings.

Stafford Technological Forum.

Mr. Cavalier - Parks and Recreation Bond Referendum.

Mr. Fields - Virginia Municipal League Legislative Program.

Tax rate.

Hot lane proposals.

Comprehensive Plan Steering Committee.

- Requested affordable housing work session.

Mr. Dudenhefer - Transportation Bond Referendum.

Mr. Gibbons - Land use.

Hot lane proposals.

Recognize posthumously former fire and rescue personnel.

Requested preparation of a proclamation for Ida Ansel.

Liberty Place.

- Weldon Cooper Center statistics.

- Adult businesses.
- Willowmere Park flag.
- Letter from the Governor.
- Virginia Railway Express funding.

#### Mr. Milde - Bond Referendum.

- Communication towers/transmission lines.
- Redevelopment efforts at Boswells Corner.
- Marine Corps Heritage memorial.
- Stafford Market Place pad sites.
- Technical Review Committee.
- Crows Nest.
- Visitors Center/Museum Committee.
- Virginia Railway Express.
- Public Safety Building.
- Historic plan review.
- Adult businesses.
- Comprehensive Plan steering committee.
- Decals.
- Rappahannock Regional Solid Waste Management Board.
- Transportation Impact Fees.
- Attended Civilian-Military Community Relations Council meeting.
- Attended Planning Commission.
- Toured Government Island.
- Attended Base Realignment and Closure meeting.
- Technical Review Committee.
- Cord Sterling appointed to the Commonwealth Transportation Board.
- Courthouse Road construction.

- 20-year anniversary celebration of the Potomac/Rappahannock Transportation Commission.
- William Frawley, Mary Washington University President.
- Save Crows Nest.
- Notification by the Virginia Department of Transportation regarding Courthouse Road east reconstruction.

Mr. Schwartz

- Dixon-Smith Middle School.
- Comprehensive Plan Steering committee meeting.
- Civilian/Military Community Relations Council meeting.
- Economic Development strategy visionary plan for Falmouth and Warrenton Road.
- Requested Regional Airport Authority presentation to Board for status report.
- Bond referendum.

<u>Legislative</u>; Report of the County Attorney. Mr. Joseph L. Howard, County Attorney, commented on the following:

Addition of an item to Closed Meeting Agenda;
 Legal; Board of Zoning Appeals.

<u>Legislative</u>; Report of the County Administrator. Mr. Steve Crosby, County Administrator, commented on the following:

- Introduced M. C. Moncure as Tourism Manager.

<u>Legislative</u>; Consent Agenda. Mr. Cavalier motioned, seconded by Mr. Dudenhefer, to adopt the Consent Agenda consisting of Items 1 thru 7.

The Voting Board tally was:

Yea: (7) Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz

Nay: (0)

<u>Item 1. Legislative; Approve Minutes of Board Meeting.</u> Regular Meeting of September 5, 2006.

<u>Item 2. Finance; Approve Expenditure Listings.</u>

Resolution R06-432 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED SEPTEMBER 19, 2006 THROUGH OCTOBER 2, 2006

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of October, 2006, that the above-mentioned EL be and it hereby is approved.

Item 3. Parks and Recreation; Amend Agreement with Stafford Baseball League.

Resolution R06-441 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO AMEND THE AGREEMENT WITH THE STAFFORD BASEBALL LEAGUE, INC.

WHEREAS, the Board adopted Resolution R04-444, which authorized execution of a new Agreement with the Stafford Baseball League, Inc., and the County for a period of five years with an option to renew for five additional years; and

WHEREAS, a Conditional Use Permit was obtained by the Parks and Recreation Department to allow the baseball fields at Willowmere Park to be lighted under certain conditions; and

WHEREAS, a Committee consisting of members of the Board, the Stafford Baseball League, and the Willowmere Subdivision Homeowners Association (HOA) reached an agreement on a specific condition of the Conditional Use Permit that allowed the lights to be used; and

WHEREAS, a more formal amendment to the Stafford Baseball League's agreement was drafted and agreed upon that addresses the concerns of the Willowmere Subdivision HOA regarding the use of lights at Willowmere Park;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of October, 2006, that the County Administrator be and he hereby is authorized to amend the Agreement with the Stafford Baseball League.

<u>Item 4. Utilities; Award Contract for Construction of Solids Handling Improvements at the Little Falls Run Wastewater Treatment Facility.</u>

Resolution R06-438 reads as follows:

# A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR -TO AWARD A CONTRACT FOR SOLIDS HANDLING IMPROVEMENTS -AT THE LITTLE FALLS RUN WASTEWATER TREATMENT FACILITY:

WHEREAS, the existing fifteen year old centrifuge, chemical feed system and solids transport equipment at the Little Falls Run Wastewater Treatment Facility are in need of replacement; and

WHEREAS, the replacement of this equipment is included in the Department of Utilities Budget; and

WHEREAS, purchase of the replacement centrifuge was authorized by the Board at a previous meeting; and

WHEREAS, the design for installation of the replacement centrifuge and other improvements has been completed and offered for public bid; and

WHEREAS, four bids were received; and

WHEREAS, <u>sstaff</u> has determined that Mid-State Construction Company, Inc. -is the lowest responsive bidder with a bid of <u>\$-\$626,495</u>; and

WHEREAS, sStaff has —reviewed this bid and determined that Mid-State Construction Company, Inc. is the lowest responsive bidder for this project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the—7<sup>th</sup> 3<sup>rd</sup> —day of FebruaryOctober, 2006, that the County Administrator be and he hereby is authorized to award a contract to Mid-State Construction Company, Inc. in an amount not to exceed Six Hundred Twenty-Ssix Thousand<sub>27</sub> Four Hundred Ninety-Ffive Dollars (\$626,495) for construction of the solids handling improvements at the Little Falls Run Wastewater Treatment Facility.

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<u>Item 5. Utilities; Award Contract for Abel Lake Water Treatment Facility Electrical</u> Upgrades.

#### Resolution R06-443 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT FOR UPGRADES TO THE ELECTRICAL
EQUIPMENT AT ABEL LAKE WATER TREATMENT FACILITY

WHEREAS, the existing electrical distribution equipment at the Abel Lake Water Treatment Facility is outdated and undersized to meet the present water supply demands for the County; and

WHEREAS, to provide safe, reliable water service to our customers, it is necessary to install an emergency power generator and replace the existing motor control center at the Abel Lake Water Treatment Facility; and

WHEREAS, the Board authorized funding for this project in a prior fiscal year; and

WHEREAS, the design of these improvements has been completed and offered for public bid; and

WHEREAS, three bids were received with Herring Electric Company, Incorporated, offering the lowest responsive bid of \$539,800;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of October, 2006, that the County Administrator be and he hereby is authorized to execute a contract with Herring Electric Company, Incorporated, in an amount not to exceed Five Hundred Thirty-nine Thousand Eight

Hundred Dollars (\$539,800) for upgrades to the Abel Lake Water Treatment Facility electrical system.

<u>Item 6. Administration; Authorize Government Center Renovations for General Registrar and Economic Development.</u>

#### Resolution R06-442 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO AWARD A CONTRACT FOR GOVERNMENT CENTER RENOVATIONS
FOR GENERAL REGISTRAR AND ECONOMIC DEVELOPMENT

WHEREAS, the Board recently authorized renovations of the Rowser Annex which Fire, Rescue, and Emergency Services Administration will use until the new Public Safety Building is completed; and

WHEREAS, once vacated, the space will be converted for the County Registrar and the Department of Economic Development and Legislative Affairs; and

WHEREAS, under the Fairfax County contract (Council of Government rider)
Centennial Construction has provided a bid for construction costs and related projects;
and

WHEREAS, proffer funds in the amount of \$5,317 are available for this work and funds are available in the FY2007 Cash Capital for the balance;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of October, 2006, that the County Administrator be and he hereby is authorized to execute a contract with Centennial Construction in an amount not to exceed Two Thousand Eight Hundred Two Eight Hundred Sixty Dollars

(\$282,860) for Government Center Renovations for General Registrar and Economic Development; and

BE IT FURTHER RESOLVED that \$5,317 be and it hereby is appropriated in FY2007 to the General Fund, Capital Projects category.

Item 7. Approve Board Meeting Dates.

Resolution R06-407 reads as follows:

### A RESOLUTION TO CHANGE THE BOARD OF SUPERVISORS MEETING DATES

WHEREAS, it is the desire of the Board to schedule meeting dates which will permit attendance at annual meetings of professional associations, accommodate personal schedules and allow adequate time for preparation of meeting materials;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of October, 2006, that the regularly scheduled meeting on November 7, 2006, is cancelled and a meeting will be held on November 14, 2006, beginning at 5:00 P.M., and the December 19, 2006, regularly scheduled meeting will begin at 5:00 P.M.; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is requested to advise Board members should the Regular Agenda become ponderous with issues so an Adjourned or Special Meeting may be arranged.

<u>Legislative</u>; <u>Discuss Economic Development Strategic Plan.</u> Mr. Timothy Baroody, Director of Economic Development and Legislative Affairs, gave a presentation and responded to Board members questions.

Mr. Cavalier motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R06-454.

The Voting Board tally was:

Yea: (7) Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

Resolution R06-454 reads as follows:

A RESOLUTION TO ENDORSE REDEVELOPMENT EFFORTS IN CERTAIN AREAS OF THE COUNTY

WHEREAS, economic development visioning has been endorsed by the Board of Supervisors and Economic Development Authority;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3<sup>rd</sup> day of October 2006, that the following measures be and they hereby are endorsed to initiate redevelopment efforts in the Boswell's Corner, the Courthouse area and the Falmouth/Warrenton Road corridor:

- Hire one full-time dedicated staffer to focus on redevelopment.
- Authorize staff to issue a Request for Proposals to seek professional services to guide work on redevelopment planning, community outreach, utilities and infrastructure improvement, business incentives, ordinance and zoning issues among others.

<u>Legislative</u>; <u>Discuss Pump and Haul at 11 Mallard Road.</u> Mr. Cavalier commented.

Mr. Cavalier motioned, seconded by Mr. Milde, to adopt proposed Resolution R06-351(R).

The Voting Board tally was:

Yea: (4) Dudenhefer, Gibbons, Milde, Cavalier

Nay: (3) Fields, Schwartz, Brito

#### Resolution R06-351(R) reads as follows:

A RESOLUTION TO APPROVE A PUMP AND HAUL AGREEMENT
WITH THE VIRGINIA DEPARTMENT OF HEALTH FOR 11 MALLARD
ROAD AND TO APPROVE REPLACEMENT OF THE HOUSE

WHEREAS, it is necessary to provide Pump and Haul services for sewage storage facilities; and

WHEREAS, the County has an Agreement and General Permit with the State Health Department for Pump and Haul services; and

WHEREAS, Pump and Haul services are required for 11 Mallard Road; and

WHEREAS, it is necessary for the County to add new locations to the General Permit Agreement with the Virginia Department of Health; and

WHEREAS, the owners of 11 Mallard Road must replace their existing house and desire to replace it with a larger structure;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of October, 2006, that the County Administrator be and he hereby is authorized to add 11 Mallard Road to the agreement with the Virginia Department of Health; and

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BE IT FURTHER RESOLVED that these services will be discontinued and

removed from the agreement with the Virginia Department of Health if public sewer

becomes available to this parcel; and

BE IT STILL FURTHER RESOLVED that Stafford County bears no financial

obligation and the anticipated occupant will bear all costs associated with Pump and Haul

services; and

BE IT STILL FURTHER RESOLVED that the owners of 11 Mallard Road be

allowed to replace the existing structure with a new three bedroom house of

approximately 3,650 4,200 square feet in area.

Human Resources; Authorize the County Administrator to Amend the Agreement with

the George Washington Regional Commission (Formerly RADCO). Ms. Tammi Ellis

gave a presentation.

Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution

R06-440 with a change.

Discussion ensued.

The Voting Board tally was:

Yea: (4)

4) Gibbons, Brito, Cavalier, Dudenhefer

Nay: (3)

Fields, Milde, Schwartz

Resolution R06-440 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR

TO AMEND THE AGREEMENT WITH THE GEORGE WASHINGTON

REGIONAL COMMISSION

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WHEREAS, Virginia Code Section 15.2-4205, as amended, states that planning

district commissions are a "public body corporate and politic"; and

WHEREAS, the George Washington Regional Commission is the planning

district commission for the region serving the counties of Stafford, Spotsylvania, King

George and Caroline, and the city of Fredericksburg; and

WHEREAS, at its June 6, 2006 meeting, the Board adopted Resolution R06-279

authorizing the County Administrator to execute an agreement with GWRC which

included a 5% administrative fee; and

WHEREAS, GWRC has requested that the 5% administrative fee be reconsidered

during the first two years of the agreement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 3rd day of October 2006, that the County Administrator be and he

hereby is authorized to amend the Agreement with GWRC and that the administrative fee

be waived for FY07.

Parks and Recreation; Extend Joint Facility Use Agreement with the School Board. Mr.

Greg Segar, Director of Parks and Recreation, gave a presentation.

Mr. Cavalier motioned, seconded by Mr. Brito, to adopt proposed Resolution R06-323.

The Voting Board tally was:

Yea: (7)

Gibbons, Milde, Schwartz. Brito, Cavalier, Dudenhefer, Fields

Nay: (0)

Resolution R06-323 reads as follows:

## A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXTEND THE FACILITY USE AGREEMENT WITH THE STAFFORD COUNTY SCHOOL BOARD

WHEREAS, the Department of Parks and Recreation uses school facilities for its programs; and

WHEREAS, schools provide athletic fields, gymnasiums, and other facilities for Parks and Recreation and community use; and

WHEREAS, the Parks and Recreation Department provides facilities for school use; and

WHEREAS, the County and schools desire to extend the joint Facility Use Agreement for the use of these facilities; and

WHEREAS, at a meeting on August 17, 2006, the Parks and Recreation Commission unanimously recommended endorsement of this Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of October, 2006, that the County Administrator be and he hereby is authorized to extend the Facility Use Agreement with the Stafford County School Board.

<u>Legislative</u>; Request that the Sheriff Consider Design and Operation Changes Needed to <u>Increase Spay</u>, Neuter and Adoption of Animals and Minimize the Use of Euthanasia. Mr. Milde gave a presentation.

Mr. Milde motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-447 with a change.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons

Nay: (0)

Resolution R06-447 reads as follows:

A RESOLUTION TO REQUEST THAT THE SHERIFF CONSIDER DESIGN AND OPERATION CHANGES NEEDED TO INCREASE SPAY, NEUTER AND ADOPTION OF ANIMALS AND MINIMIZE THE USE OF EUTHANASIA

WHEREAS, the design of the current animal shelter does not provide for adequate capacity for animals nor efficient operations; and

WHEREAS, a conceptual study of shelter space needs is underway; and

WHEREAS, the Board is interested in expanding opportunities for spay, neuter and adoption of animals; and

WHEREAS, the operation of the animal shelter is the responsibility of the Sheriff;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3<sup>rd</sup> day of October, 2006, that the Board be and it hereby does request the Sheriff to consider the design and operation changes needed to significantly increase spay, neuter and adoption of animals and minimize the use of euthanasia; and

BE IT FURTHER RESOLVED that a program of trap, neuter, and release be examined as an option.

<u>Parks and Recreation; Discuss the Agreement with the Stafford Area Soccer Association.</u>

Mr. Greg Sager, Director of Parks and Recreation, gave a presentation.

Discussion ensued.

Hearing no objections from the Board, this item was referred back to the Parks and Recreation Commission.

<u>Utilities</u>; <u>Discuss Construction of Docks and Piers on Drinking Water Reservoirs.</u>

Mr. Robert E. Bos, Public Utilities Administrator, gave a presentation and responded to Board members questions.

Mr. Brito motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R06-446 with a change.

Discussion ensued.

Mr. Fields made a substitute motion, seconded by Mr. Schwartz, to defer this item.

The Voting Board tally on the substitute motion was:

Yea: (3) Brito, Fields, Schwartz

Nay: (4) Cavalier, Dudenhefer, Gibbons, Milde

The Voting Board tally on the original motion was:

Yea: (5) Brito, Cavalier, Dudenhefer, Gibbons, Milde

Nay: (2) Schwartz, Fields

#### Resolution R06-446 reads as follows:

A RESOLUTION TO APPROVE THE RECOMMENDATIONS BY THE UTILITIES COMMISSION REGARDING THE CONSTRUCTION OF DOCKS AND PIERS ON RESERVOIRS

WHEREAS, the Board has requested investigation of existing docks and piers and possible Resource Protection Area regulations violations at our drinking water reservoirs; and

WHEREAS, approximately ten docks/piers have been constructed adjacent to Abel Lake and none of the property owners applied for the necessary permits from the Department of Code Administration before construction; and

WHEREAS, the Utilities Commission have made recommendations regarding the existing docks and the potential resource protection area violations;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3<sup>rd</sup> day of October, 2006, that the following applies to the docks/piers on Abel Lake constructed prior to June 1, 2006:

- They are existing non-conforming uses.
- They are allowed to remain, provided that the owner applies for building permits and are constructed of environmentally safe materials.
- Owners of docks/piers constructed of materials that are not environmentally safe would be given an opportunity to replace the docks/piers with acceptable materials.
- Any docks/piers that are destroyed in the future cannot be replaced.
- Any docks/piers on Abel Lake in place January 1, 2006, until June 1, 2006, will be permitted to replace.

<u>Legislative</u>; <u>Closed Meeting Addition</u>. Mr. Cavalier motioned, seconded by Mr. Dudenhefer, to add an item to the Closed Meeting Agenda:

1. Legal Advice BZA case of South Abel

Investments, LLC, special

exception approval
Joseph L. Howard, Jr.

Section 2.2-3711 A7
Code of Virginia

The Voting Board tally was:

Yea: (7) Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

<u>Legislative</u>; <u>Closed Meeting.</u> At 3:25 P.M., Mr. Fields motioned, seconded by Mr. Cavalier, to adopt proposed Resolution CM06-30.

The Voting Board tally was:

Yea: (7) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

#### Resolution CM06-30 reads as follows:

#### A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting legal advice in regard to a Dominion transmission line; Stafford Lakes Limited Partnership v. The Planning Commission of Stafford County, Virginia and The Board of Supervisors of Stafford County, Virginia; and the Board of Zoning Appeals case of South Abel Investments, LLC, special exception approval; and

the acquisition of real property for public purpose in regard to Crow's Nest and Rocky Pen Run Reservoir; and

WHEREAS, pursuant to Section 2.2-3711 A7 and A3 VA Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 3<sup>rd</sup> day of October, 2006 does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order. At 4:27 P.M., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u>. Mr. Dudenhefer motioned, seconded by Mr. Fields, to adopt proposed CM06-30a.

The Voting Board tally was:

Yea: (7) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer

Nay: (0)

#### Resolution CM06-30a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON OCTOBER 3, 2006

WHEREAS, the Board has, on this the 3<sup>rd</sup> day of October, 2006, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 3<sup>rd</sup> day of October 2006, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

<u>Legislative</u>; Board of Zoning Appeals Case of South Abel Investments, LLC, Special <u>Exception Approval.</u> Mr. Brito motioned, seconded by Mr. Fields, to authorize the County Attorney to appeal the decision of the Board of Zoning Appeals approving the Special Exception for South Abel Investments, LLC across County owned property.

The Voting Board tally was:

Yea: (7) Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields

Nay: (0)

<u>Legislative</u>; Authorize a Public Hearing to Consider Condemnation and Exercise of Quick-Take Powers to Acquire Tax Map Parcels 43-27 and 43-27a in Conjunction with the Rocky Pen Reservoir.

Mr. Cavalier motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R06-451.

The Voting Board tally was:

Yea: (6) Milde, Schwartz, Cavalier, Dudenhefer, Fields, Gibbons

Nay: (0)

Abstain: (1) Brito

#### Resolution R06-451 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO
CONSIDER CONDEMNATION AND EXERCISE OF QUICK-TAKE
POWERS TO ACQUIRE THE PROPERTY OF DAVID F. ZUPANCIC
AND THE ESTATE OF JOSEPH S. ZUPANCIC, TAX MAP PARCELS 43-27
AND 43-27A, IN CONNECTION WITH THE ROCKY PEN RESERVOIR
CONSTRUCTION PROJECT

WHEREAS, the Stafford County Utilities Department is in the process of acquiring the necessary parcels for the construction of the Rocky Pen Reservoir; and

WHEREAS, in order to begin construction of the reservoir, the County must acquire ownership of Tax Map Parcels 43-27 and 43-27A; and

WHEREAS, the Utilities Department, through its consulting negotiator, has made a bona fide formal offer on behalf of the County to the owners of the property offering the fair market value of the property; and

WHEREAS, the County requires both parcels (consisting of 27.2969 acres) in their entirety; and

WHEREAS, the fair market value of Tax Parcel 43-27 is Two Hundred Sixty-five Thousand Dollars (\$265,000.00); and the fair market value of Tax Parcel 43-27A is Two Hundred Seventeen Thousand Dollars (\$217,000.00) based upon formal appraisals by an independent appraiser; and

WHEREAS, the Department of Utilities and the County's consulting negotiator have been unsuccessful in negotiating a final settlement with the owners of the property, and will continue to work with the property owners to reach an acceptable settlement; and

WHEREAS, the Board must conduct a public hearing, after advertisement in accordance with Sections 15.2-1901A and 15.2-1905C, Va. Code Ann., to determine the necessity for condemnation and the use of the County's quick-take powers;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of October, 2006, that it shall conduct a public hearing to be scheduled under the provisions of Sections 15.2-1901A and 15.2-1905C, Va. Code Ann., to consider the necessity for condemnation and necessity for the use of the County's quick-take powers to immediately acquire the parcels described above for the Rocky Pen Reservoir construction project; and

BE IT FURTHER RESOLVED that the public hearing be properly advertised for the foregoing purposes.

<u>Legislative</u>; Authorize a Public Hearing to Consider Condemnation and Exercise of Quick-Take Powers to Acquire Tax Map Parcel 43-28 in Conjunction with the Rocky Pen Reservoir.

Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-452.

The Voting Board tally was:

Yea: (6) Schwartz, Cavalier, Dudenhefer, Fields, Gibbons, Milde

Nay: (0)

Abstain: (1) Brito

Resolution R06-452 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO CONSIDER CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE THE PROPERTY OF STEPHEN NORTHCUTT, JO-KATHLYN NORTHCUTT, KATHLEEN C. HARRIGAN AND JEFFREY L. JOHN, TAX MAP PARCEL 43-28, IN CONNECTION WITH THE ROCKY PEN RESERVOIR CONSTRUCTION PROJECT

WHEREAS, the Stafford County Utilities Department is in the process of acquiring the necessary parcels for the construction of the Rocky Pen Reservoir; and

WHEREAS, in order to begin construction of the reservoir, the County must acquire ownership of Tax Map Parcel 43-28; and

WHEREAS, the Utilities Department, through its consulting negotiator, has made a bona fide formal offer on behalf of the County to the owners of the property offering the fair market value of the property; and

WHEREAS, the County requires the entire property (consisting of approximately 18.6022); and

WHEREAS, the fair market value for the above-referenced property is Two Hundred Fifty-five Thousand Dollars (\$255,000.00) based upon a formal appraisal by an independent appraiser; and

WHEREAS, the Department of Utilities and the County's consulting negotiator have been unsuccessful in negotiating a final settlement with the owners of the property, and will continue to work with the property owners to reach an acceptable settlement; and

WHEREAS, the Board must conduct a public hearing, after advertisement in accordance with Sections 15.2-1901A and 15.2-1905C, Va. Code Ann., to determine the necessity for condemnation and the use of the County's quick-take powers;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of October, 2006, that it shall conduct a public hearing to be scheduled under the provisions of Sections 15.2-1901A and 15.2-1905C, Va. Code Ann., to consider the necessity for condemnation and necessity for the use of the County's quick-take powers to immediately acquire the parcels described above for the Rocky Pen Reservoir construction project; and

BE IT FURTHER RESOLVED that the public hearing be properly advertised for the foregoing purposes.

<u>Legislative</u>; Authorize a Public Hearing to Consider Condemnation and Exercise of <u>Quick-Take Powers to Acquire Tax Map Parcel 43-29</u>, in Conjunction with the Rocky Pen Reservoir.

Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-453.

The Voting Board tally was:

Yea: (6) Cavalier, Dudenhefer, Fields, Gibbons, Milde Schwartz

Nay: (0)

Abstain: (1) Brito

#### Resolution R06-453 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO CONSIDER CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE THE PROPERTY OF SHIRLEY A. HELTON, TAX MAP PARCEL 43-29, IN CONNECTION WITH THE ROCKY PEN RESERVOIR CONSTRUCTION PROJECT

WHEREAS, the Stafford County Utilities Department is in the process of acquiring the necessary parcels for the construction of the Rocky Pen Reservoir; and

WHEREAS, in order to begin construction of the reservoir, the County must acquire ownership of Tax Map Parcel 43-29; and

WHEREAS, the Utilities Department, through its consulting negotiator, has made a bona fide formal offer on behalf of the County to the owner of the property offering the fair market value of the property; and

WHEREAS, the County requires the entire property (consisting of approximately 7.82 acres); and

WHEREAS, the fair market value for the above-referenced property is One Hundred Ninety Thousand Dollars (\$190,000.00) based upon a formal appraisal by an independent appraiser; and

WHEREAS, the Department of Utilities and the County's consulting negotiator have been unsuccessful in negotiating a final settlement with the owner of the property, and will continue to work with the property owner to reach an acceptable settlement; and

WHEREAS, the Board must conduct a public hearing, after advertisement in accordance with Sections 15.2-1901A and 15.2-1905C, Va. Code Ann., to determine the necessity for condemnation and the use of the County's quick-take powers;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of October, 2006, that it shall conduct a public hearing to be scheduled under the provisions of Sections 15.2-1901A and 15.2-1905C, Va. Code Ann., to consider the necessity for condemnation and necessity for the use of the County's quick-take powers to immediately acquire the parcels described above for the Rocky Pen Reservoir construction project; and

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BE IT FURTHER RESOLVED that the public hearing be properly advertised for the foregoing purposes.

<u>Legislative</u>; Appoint Members to the George Washington Regional Commission. Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R06-465.

Discussion ensued.

The Voting Board tally was:

Yea: (5) Cavalier, Dudenhefer, Gibbons, Milde, Schwartz

Nay: (2) Fields, Brito

Resolution R06-465 reads as follows:

A RESOLUTION TO APPOINT MEMBERS TO THE GEORGE WASHINGTON REGIONAL COMMISSION

WHEREAS, the George Washington Regional Commission is the planning district commission for the region serving the counties of Stafford, Spotsylvania, King George and Caroline, and the city of Fredericksburg; and

WHEREAS, the term of appointment is one year; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of October, 2006, that

<u>NAME</u> <u>EXPIRATION</u>

Robert Gibbons December 31, 2007

(Board of Supervisors)

Mark Dudenhefer

December 31, 2007

(Board of Supervisors)

be and they hereby are appointed to the George Washington Regional Commission.

<u>Legislative</u>; <u>Alternates to the George Washington Regional Commission.</u> Mr. Gibbons motioned, seconded by Mr. Milde, to adopt proposed Resolution R06-490.

The Voting Board tally was:

Yea: (7) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

#### Resolution R06-490 reads as follows:

## A RESOLUTION TO ALTERNATE MEMBERS TO THE GEORGE WASHINGTON REGIONAL COMMISSION

WHEREAS, the George Washington Regional Commission is the planning district commission for the region serving the counties of Stafford, Spotsylvania, King George and Caroline, and the city of Fredericksburg; and

WHEREAS, the term of appointment is one year; and

WHEREAS, the Board has previously appointed the following:

NAME EXPIRATION

Robert Gibbons December 31, 2007

(Board of Supervisors)

Mark Dudenhefer December 31, 2007 (Board of Supervisors) WHEREAS, the Board desires to appoint alternate members; NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of October, 2006, that **NAME EXPIRATION** Peter J. Fields December 31, 2007 (Board of Supervisors Alternate) George Schwartz December 31, 2007 (Board of Supervisors Alternate) be and they hereby appointed to the George Washington Regional Commission. Adjournment. At 4:50 P. M., the Chairman declared the meeting adjourned.

Robert C. Gibbons

Chairman

Steve Crosby

County Administrator